

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**INTERNATIONAL BAPTIST CHURCH
OF HOUSTON,**

Plaintiff,

V.

**MESA UNDERWRITERS SPECIALTY
INSURANCE COMPANY,**

Defendant.

Civil Action No. 4:19-cv-3105

**DEFENDANT MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Defendant Mesa Underwriters Specialty Insurance Company (“MUSIC”) files this Notice of Removal and respectfully shows the following.

I. THE COURT HAS DIVERSITY JURISDICTION

A. The Sole Plaintiff and Sole Defendant are Diverse

Removal is proper under 28 U.S.C. § 1446(a)(1) because there is complete diversity of citizenship between Plaintiff and Defendant. For purposes of diversity of citizenship, IBC is a citizen of the State of Texas because it is a nonprofit corporation formed in Texas with its principal place of business located at 15330 Willow River Drive, Houston, Texas 77095. *See* Ex. 2 ¶ 1. MUSIC is a citizen of the State of New Jersey, being an insurance company formed in New Jersey and having its principal place of business at 40 Wantage Ave., Branchville, New Jersey 07890. *See Hertz Corp. v. Friend*, 559 U.S. 77, 80 (2010) (holding corporations are a citizen of the state in which they are incorporated and in the state in which their principal place of business is located). Based on the foregoing, the parties are completely diverse within the meaning of § 1332(a).

B. The Amount in Controversy Exceeds \$75,000

Plaintiff states that it seeks monetary relief “over \$200,000, but not more than \$1,000,000” Ex. 2 ¶ 4. Therefore, the amount in controversy exceeds the \$75,000 threshold required to invoke diversity jurisdiction. 28 U.S.C. § 1332(a); *see St. Paul Reinsurance Co., Ltd. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998) (noting the district court examines the complaint to determine whether it is facially apparent that the claim exceeds the jurisdictional minimum); *see also KVOs, Inc. v. Associated Press*, 299 U.S. 269, 277 (1936) (holding allegation in pleading is sufficient to establish amount in controversy).

II. VENUE IS PROPER

Venue in this district is proper in the United States District Court for the Southern District of Texas, Houston Division, under 28 U.S.C. §§ 124(c)(3) and 1446(a) in that the Southern District of Texas, Houston Division encompasses Harris County, Texas and is “the district and division embracing the place where such action is pending.”

III. THE REMOVAL SATISFIES SECTION 1446(a) AND LOCAL RULE CV-81

Pursuant to 28 U.S.C. §1446(a) and Local Rule CV-81 attached hereto are: (1) an index of documents filed in the state court case that clearly identifies each document and indicates the date the document was filed (*see* Exhibit 5); (2) a copy of the docket sheet in the state court action (*see* Exhibit 4); (3) copies of each pleading that asserts a cause of action, answers to such pleadings, process, and orders filed in the state court action (*see* Exhibits 1 through 3); and (4) a civil cover sheet (Exhibit 6).

Pursuant to Local Rule CV-81, MUSIC provides the following information:

A. All executed process

See Exhibit 1.

B. Pleadings asserting causes of action

Plaintiffs Original Petition is attached hereto as Exhibit 2. MUSIC's Original Answer is attached as Exhibit 3.

C. Orders signed by the state judge

None.

D. Docket sheet

The state court docket sheet is attached as Exhibit 4.

E. Index of matters being filed

An index of filings is attached as Exhibit 5.

F. List of counsel of record involved in the case:

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Pursuant to 28 U.S.C. §1446(d), promptly after MUSIC files this Notice of Removal, written notice of the filing will be given to Plaintiff IBC, and a true copy of this Notice of Removal will be filed with the Clerk of the Harris County District Court, the state court from which this action was removed.

IV. PRAYER

This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), and the matter was removed in accordance with section 1446(a) and this Court's Local Rules. Accordingly, Defendant respectfully prays that the United States District Court for the Southern District of Texas, Houston Division, file the Notice of Removal, assume jurisdiction of this lawsuit, and issue all such further orders and processes as may be necessary.

Respectfully submitted,

/s/ Stephen A. Melendi

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**ATTORNEYS FOR DEFENDANT MESA
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COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically send notification to the following counsel of record.

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